

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Crim. No.
JOSEPH DELISA : 18 U.S.C. §§ 371,
666(a)(1)(B),
: 1951(a) and 2

I N D I C T M E N T

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT ONE

Conspiracy to Extort Money Under Color of Official Right
Defendant, Official No. 1 and Others

1. From in or about January 1998 to in or about February 2005, defendant JOSEPH DELISA was a councilman in the Borough of West Long Branch, New Jersey (hereinafter, "the Borough") receiving an annual salary of approximately \$2,000. Defendant JOSEPH DELISA was initially elected and later re-elected to the Borough Council by popular vote and served portions of approximately three consecutive three-year terms on the Borough Council. As a councilman in the Borough, defendant JOSEPH DELISA considered, influenced and acted on matters affecting the Borough, such as budget appropriations, real estate development and the award of contracts to vendors doing business with the Borough.

2. At all times relevant to this Indictment, there was an individual who was the Mayor of the Borough receiving an annual salary of approximately \$3,000 (hereinafter, "Official No. 1"). In or about 1996, Official No. 1, while a sitting councilman in the Borough, was appointed to complete the unexpired term of a former Mayor of the Borough who had died while in Office. Official No. 1 was later elected Mayor of the Borough by popular vote. In total, Official No. 1 served portions of approximately three four-year terms as Mayor. As the Mayor of the Borough, Official No. 1 considered, influenced and acted on matters affecting the Borough, such as budget appropriations, real estate development and the award of contracts to vendors doing business with the Borough. In addition, Official No. 1, as Mayor of the Borough, held a seat on the Borough Planning Board. As a member of the Planning Board, Official No. 1 considered and voted on various real estate development projects presented to the Planning Board for approval. Official No. 1 was a friend and associate of defendant JOSEPH DELISA.

3. There was an individual (hereinafter "Individual No. 1"), at all times cooperating with federal law enforcement authorities, who held himself out as being involved in the construction and demolition business. Individual No. 1 also represented that he was involved in selling purportedly stolen bulk quantities of alcohol and cigarettes, or alcohol and

cigarettes containing false tax stamps, illegal loansharking and money laundering of loansharking proceeds. There also were two federal law enforcement agents, acting in undercover capacities (hereinafter, "UC1" and "UC2," or, collectively, the "UCs"), who held themselves out to be employees of Individual No. 1's construction and demolition company and to be involved in Individual No. 1's purportedly illegal businesses. Individual No. 1 and the UCs represented that their construction and demolition business was located primarily in the State of Florida with their construction equipment being maintained in Florida and elsewhere, and that their purported illegal businesses were conducted interstate.

The Conspiracy

4. From in or about September 2003 to in or about February 2005, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

JOSEPH DELISA

knowingly and willfully did conspire, combine, confederate and agree with Official No. 1 and others to obstruct, delay and affect interstate commerce by extortion--that is, obtaining money from Individual No. 1 with his consent under color of official right.

The Object of the Conspiracy

5. It was the object of the conspiracy that defendant JOSEPH DELISA, directly and indirectly through Official No. 1, and Official No. 1 accepted corrupt cash payments and campaign contributions from Individual No. 1 in exchange for DELISA's and Official No. 1's official assistance in securing contracts with the Borough for Individual No. 1.

The Manner and Means of Executing the Conspiracy

6. It was part of the conspiracy that, on or about September 24, 2003, at a restaurant located in Neptune, New Jersey, during a conversation recorded by federal law enforcement authorities, Official No. 1 informed Individual No. 1 that defendant JOSEPH DELISA and himself would be able to assist Individual No. 1 in obtaining contracts for construction and demolition work from the Borough. Official No. 1 further indicated to Individual No. 1 that defendant JOSEPH DELISA and himself would accept corrupt cash payments and campaign contributions in exchange for their official assistance.

7. It was a further part of the conspiracy that, on or about September 30, 2003, at a restaurant located in Tinton Falls, New Jersey, during a meeting recorded by federal law enforcement authorities, Official No. 1 accepted approximately \$5,000 in cash from Individual No. 1 in exchange for defendant

JOSPEH DELISA's and Official No. 1's official influence to assist Individual No. 1 in obtaining contracts with the Borough. It was agreed that \$3,500 was for Official No. 1, and \$1,500 was for defendant JOSEPH DELISA. It was further contemplated that, of the \$1,500 earmarked for defendant JOSEPH DELISA, \$1,000 was for defendant JOSEPH DELISA to keep for his personal use and \$500 was for the purchase of tickets to a fundraiser for the benefit of defendant JOSEPH DELISA's political campaign.

8. It was a further part of the conspiracy that, shortly after Official No. 1 accepted the \$5,000 cash payment from Individual No. 1, defendant JOSEPH DELISA accepted at defendant JOSEPH DELISA's house in West Long Branch, New Jersey, \$1,000 from Official No. 1 and accepted another \$500 from Official No. 1 for defendant JOSEPH DELISA's re-election campaign for councilman.

9. It was a further part of the conspiracy that, on or about October 12, 2003, at a campaign fundraising event at a restaurant located in West Long Branch, New Jersey, during a conversation recorded by federal law enforcement authorities, defendant JOSEPH DELISA met with Individual No. 1 and Official No. 1. During the meeting, defendant JOSEPH DELISA thanked Individual No. 1 for all that Individual No. 1 had done for defendant JOSEPH DELISA and discussed demolition work to be done at the Old Borough Hall. Defendant JOSEPH DELISA indicated to

Individual No. 1 that although defendant JOSEPH DELISA did not have the authority to award Individual No. 1 a contract outright, defendant JOSEPH DELISA would attempt to get Individual No. 1 the "inside track" by giving Individual No. 1 information on bid amounts from competitors so that Individual No. 1 could submit the lowest bid.

10. It was a further part of the conspiracy that, on or about November 6, 2003, at a restaurant located in Monmouth Beach, New Jersey, during a meeting that was recorded by federal law enforcement authorities, defendant JOSEPH DELISA, Official No. 1 and Individual No. 1 discussed securing contracts with the Borough for Individual No. 1. Defendant JOSEPH DELISA and Official No. 1 indicated that they would accept corrupt cash payments from Individual No. 1 during the League of Municipalities Convention in Atlantic City, New Jersey later that month.

11. It was a further part of the conspiracy that, on or about November 19, 2003, during a meeting video- and audio-recorded by federal law enforcement authorities, during the League of Municipalities Convention in Atlantic City, New Jersey, defendant JOSEPH DELISA accepted \$1,500 in cash from Individual No. 1. At this meeting, defendant JOSEPH DELISA indicated his willingness to assist Individual No. 1 in obtaining contracts from the Borough.

12. It was a further part of the conspiracy that, on or about November 19, 2003, during a meeting video- and audio-recorded by federal law enforcement authorities in Atlantic City, New Jersey, Official No. 1 accepted two envelopes from Individual No. 1 containing corrupt cash payments, including one envelope containing approximately \$1,500 in cash for Official No. 1.

13. It was a further part of the conspiracy that, on or about January 30, 2004, defendant JOSEPH DELISA telephoned Individual No. 1 to request an estimate on the demolition work to be performed on Old Borough Hall as described above in Paragraph 9. During the audio-recorded conversation, defendant JOSEPH DELISA was advised to get quotes from other contractors and to give Individual No. 1 these quotes so that Individual No. 1 could bid lower.

14. It was a further part of the conspiracy that, on or about September 9, 2004, at a restaurant located in Monmouth Beach, New Jersey, during a meeting recorded by federal law enforcement authorities, defendant JOSEPH DELISA, Official No. 1 and UC1 discussed defendant JOSEPH DELISA's and Official No. 1's ability to secure the votes of various council members considering Borough business. Defendant JOSEPH DELISA and Official No. 1 indicated that they would both meet with

Individual No. 1 at the League of Municipalities Convention again in Atlantic City, New Jersey, and defendant JOSEPH DELISA and Official No. 1 were informed that Individual No. 1 would be "generous."

In violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

Attempted Extortion Under Color of Official Right

1. Paragraphs 1 to 3 and 6 to 9 of Count One are repeated and realleged as if set forth in full herein.

2. Between on or about September 30, 2003 and on or about October 12, 2003, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

JOSEPH DELISA

knowingly and willfully did attempt to obstruct, delay and affect interstate commerce by extortion--that is, obtaining approximately \$1,500 in cash from Individual No. 1 with his consent, through Official No. 1, under color of official right.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT THREE

Attempted Extortion Under Color of Official Right

1. Paragraphs 1 to 3 and 10 to 11 of Count One are repeated and realleged as if set forth in full herein.

2. On or about November 19, 2003, in Atlantic County, in the District of New Jersey, and elsewhere, defendant

JOSEPH DELISA

knowingly and willfully did attempt to obstruct, delay and affect interstate commerce by extortion--that is, obtaining approximately \$1,500 in cash from Individual No. 1 with his consent under color of official right.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FOUR

DELISA's Acceptance of \$3,000 to be Influenced and Rewarded

1. Paragraphs 1 to 3 and 6 to 14 of Count One are repeated and realleged as if set forth in full herein.

2. At all times relevant to this Indictment, the Borough of West Long Branch received in excess of \$10,000 in federal assistance in a one-year period.

3. On or about October 12, 2003, at a restaurant located in West Long Branch, New Jersey, during a conversation recorded by federal law enforcement authorities, defendant JOSEPH DELISA and Individual No. 1 discussed defendant JOSEPH DELISA and Official No. 1 assisting Individual No. 1 in receiving a contract with the Borough to do construction related work on the Old Borough Hall. Defendant JOSEPH DELISA compared the contract to another contract that was awarded earlier to another contractor that involved approximately \$10,000 worth of work. Defendant JOSEPH DELISA indicated to Individual No. 1 that the present contract that defendant JOSEPH DELISA and Official No. 1 would attempt to secure for Individual No. 1 would be worth more money than the earlier \$10,000 contract.

4. From in or about September 2003, to in or about November 2003, in Monmouth and Atlantic Counties, in the District of New Jersey, and elsewhere, defendant

JOSEPH DELISA

knowingly, willfully and corruptly did solicit and demand for the benefit of himself, and accept and agree to accept, payments totaling \$3,000, intending to be influenced and rewarded in connection with a business, transaction and series of transactions of a local government involving a thing of value of \$5,000 and more.

In violation of Title 18, United States Code, Sections 666(a)(1)(B) and 2.

COUNT FIVE

Conspiracy to Defraud the Public of
Defendant DELISA's Honest Services

1. Paragraphs 1 and 2 of Count One are repeated and realleged as if set forth in full herein.

Public's Right to, and Defendant's Duty of, Honest Services

2. At all times relevant to Count Five of this Indictment, the Borough and its citizens had an intangible right to the honest services of their public officials. As public officials for the Borough, defendant JOSEPH DELISA and Official No. 1 therefore owed the Borough and its citizens a duty to: (A) refrain from receiving corrupt payments designed to (i) improperly affect the performance of their official duties, or (ii) coax their favorable official action or inaction; and (B) disclose conflicts of interest and other material information in matters over which they exercised official authority and discretion that resulted in their direct or indirect personal gain.

Developer No. 1 and Others

3. At all times relevant to Count Five of this Indictment, Developer No. 1 was a real estate developer seeking to construct a drugstore at the intersection of two major thoroughfares in the Borough. Developer No. 1 had an associate (hereinafter,

"Developer No. 1's Associate") who purported to be a consultant, having an office in Monmouth County, New Jersey, with ties to high-level public officials.

4. In or about 1999, Developer No. 1's proposal to construct the drugstore in the Borough met resistance from public officials in the Borough.

5. In or about 2000, defendant JOSEPH DELISA introduced Developer No. 1's Associate to Official No. 1 to facilitate the official approvals for Developer No. 1's drugstore construction project.

The Conspiracy

6. From in or about 1999 to in or about May 2003, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

JOSEPH DELISA,

Official No. 1, Developer No. 1, Developer No. 1's Associate and others knowingly and willfully did conspire, combine, confederate and agree with each other and with others to commit offenses against the United States, that is, using the United States mails for the purpose of executing a scheme and artifice to defraud the Borough of West Long Branch and its citizens of the right to defendant JOSEPH DELISA's and Official No. 1's honest services in the affairs of the Borough of West Long Branch, contrary to Title

18, United States Code, Sections 1341 and 1346.

The Objects of the Conspiracy

7. It was the primary object of the conspiracy that defendant JOSEPH DELISA and Official No. 1 would receive corrupt benefits for themselves, including cash payments and campaign contributions from Developer No. 1 and Developer No. 1's Associate, in exchange for defendant DELISA's and Official No. 1's exercise of official authority, influence and discretion with respect to the drugstore project that Developer No. 1 was involved in with the Borough. It was further an object of the conspiracy to intentionally not disclose to, and conceal from, the Borough and its citizens material information -- namely, defendant DELISA's and Official No. 1's receipt of these corrupt benefits from Developer No. 1 and Developer No. 1's Associate.

Manner and Means of Executing the Conspiracy

8. It was a part of the conspiracy that, in or about mid-to late 2000, defendant JOSEPH DELISA and Official No. 1, at defendant JOSEPH DELISA's invitation, met Developer No. 1's Associate in Red Bank, New Jersey regarding Developer No. 1's proposal to build the drugstore in the Borough. During the meeting, Developer No. 1's Associate offered corrupt cash payments and campaign contributions to Official No. 1, which

would be shared with defendant JOSEPH DELISA, in exchange for their official assistance to Developer No. 1 with respect to the proposal to build the drugstore in the Borough. To conceal the corrupt offer, Developer No. 1's Associate wrote the corrupt offer on a piece of paper, instead of verbally articulating it.

9. It was a further part of the conspiracy that, from in or about 2000 to in or about March 2003, defendant JOSEPH DELISA and Official No. 1 accepted corrupt cash payments and campaign contributions, as further set forth below, directly and indirectly, from Developer No. 1 and Developer No. 1's Associate:

	<u>Date</u>	<u>Type of Payment</u>	<u>Amount</u>	<u>Recipient</u>
(i)	August 19, 2000	Campaign Contribution	\$500	JOSEPH DELISA
(ii)	September 29, 2000	Campaign Contribution	\$1,000	JOSEPH DELISA
(iii)	October 4, 2000	Campaign Contribution	\$3,000	JOSEPH DELISA
(iv)	4 th quarter of 2000	Cash Payment	\$5,000	Official No. 1 (\$2,500) JOSEPH DELISA (\$2,500)
(v)	2002	Cash Payment	\$2,500	Official No. 1
(vi)	July 30, 2002	Campaign Contribution	\$1,000	Official No. 1
(vii)	September 27, 2002	Campaign Contribution	\$1,000	Official No. 1
(viii)	October 16, 2002	Campaign Contribution	\$1,000	Official No. 1
(ix)	March 18, 2003	Campaign Contribution	\$500	JOSEPH DELISA

Defendant JOSEPH DELISA and Official No. 1 on occasion accepted cash, in part, to conceal the payment of the money to them by Developer No. 1 and Developer No. 1's Associate and to avoid the creation of an audit trail that would reflect the same.

10. It was a further part of the conspiracy that, in exchange for these benefits, defendant JOSEPH DELISA and Official No. 1 supported Developer No. 1's proposal to construct the drugstore in the Borough. In his capacity as a member of the Borough Planning Board, Official No. 1 voted in favor of Developer No. 1's drugstore construction project on or about July 22, 2002.

11. It was a further part of the conspiracy that, to conceal the corrupt cash payments, from in or about 2001 to in or about 2003, defendant JOSEPH DELISA and Official No. 1 did not disclose their receipt of the cash payments on mandatory public financial disclosure statements which they caused to be filed by United States mail with the Division of Local Government Services, Department of Community Affairs, in Trenton, New Jersey.

12. It was a further part of the conspiracy that, to conceal the origin of the corrupt campaign contributions, from 2000 to 2003, Developer No. 1 and Developer No. 1's Associate caused Developer No. 1's company to pay money to other entities not publicly affiliated with the drugstore project, who, in turn, contributed the same amount of money to political committees and campaigns affiliated with defendant JOSPEH DELISA and Official No. 1. For instance, on or about October 3, 2000, Developer No. 1 issued a \$3,000 check to a company controlled by Developer No.

1's Associate. On or about October 4, 2000, Developer No. 1's Associate issued a \$3,000 check from that same company controlled by Developer No. 1's Associate to a campaign fund for defendant JOSEPH DELISA. To further conceal the true source of this corrupt campaign contribution, on or about October 25, 2000, defendant JOSEPH DELISA caused the treasurer of his campaign fund to file a misleading report by United States mail with the New Jersey Election Law Enforcement Commission (hereinafter "ELEC") in Trenton, New Jersey, which did not identify Developer No. 1 as the true source of the corrupt campaign contribution.

Overt Acts

In furtherance of the conspiracy and to effect its objects, the following overt acts were committed in the District of New Jersey and elsewhere:

13. On or about July 22, 2002, Official No. 1 voted in favor of Developer No. 1's drugstore construction project.

14. On or about July 30, 2002, Developer No. 1's Associate contributed \$1,000 by check, drawn against the account of a company controlled by Developer No. 1's Associate, to Official No. 1's 2002 Borough mayoral campaign.

15. On or about August 15, 2002, Developer No. 1 issued a \$1,000 check to the company controlled by Developer No. 1's Associate as reimbursement for the July 30, 2002, \$1,000 contribution to Official No. 1's Borough mayoral campaign.

16. In or about September 2002, Developer No. 1's Associate contributed \$1,000 by check, drawn against the account of a company controlled by Developer No. 1's Associate, to Official No. 1's 2002 Borough mayoral campaign.

17. On or about October 3, 2002, Official No. 1 caused a misleading Report of Contributions and Expenditures, November 5, 2002 election, Official No. 1 for Mayor, to be filed by United States mail with ELEC in Trenton, New Jersey.

18. On or about October 16, 2002, Developer No. 1 contributed \$1,000 by check, drawn against the account of a company controlled by Developer No. 1, to Official No. 1's 2002 Borough mayoral campaign.

19. On or about March 18, 2003, defendant JOSEPH DELISA, indirectly and directly, accepted a \$500 check from Developer No. 1's Associate, drawn against a company controlled by Developer No. 1's Associate, made payable to defendant JOSEPH DELISA's 2003 campaign for Borough Council.

20. On or about May 1, 2003, Official No. 1 caused to be filed by United States mail with the Division of Local Government Services, Department of Community Affairs, in Trenton, New Jersey, a false public financial disclosure statement which did not disclose his receipt of a \$2,500 cash payment from Developer No. 1's Associate during 2002.

In violation of Title 18, United States Code, Section 371.

FOREPERSON

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY